

## U.S. DEPARTMENT OF COMMERCE PATENT &amp; TRADEMARK OFFICE

B/O Form PTO-1390 <b>Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371</b>		<i>Attorney's Docket Number</i> GHER3001/FJD
		U.S. Application Number (if known)
		10/585,820
International Application Number PCT/EP2004/053519	International Filing Date 15 Dec. 2004	Priority Date Claimed 12 Jan. 2004
Title of Invention Method for encoding data in a network used in process automation systems		
Applicant(s) for DO/EO/US Martin Gehrke and Detlev Wittmer		
<b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:</b>		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 USC 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 USC 371.</li> <li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).</li> <li>4. <input type="checkbox"/> The U.S. has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed 35 USC 371(c)(2).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input checked="" type="checkbox"/> A translation of the International Application into English (35 USC 371(c)(2)).</li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 USC 371(c)(4)). ( <input checked="" type="checkbox"/> Executed      <input type="checkbox"/> Unexecuted )</li> <li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).</li> </ol>		
<b>Items 11 to 16 below concern other document(s) or information included:</b>		
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> Priority is claimed for German application no. 102004001755.7 with a filing date of 12 Jan. 2004.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English translation of the international application under 35 U.S.C. 154(d)(4)</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <b>A COPY OF THE NOTIFICATION OF MISSING REQUIREMENTS AND A PETITION FOR A ONE MONTH EXTENSION OF TIME AND FEE OF \$120</b></li> </ol>		

Application Number (if Known) <b>10/585,820</b>		International Application Number <b>PCT/EP2004/053519</b>		Attorney's Docket Number <b>GHER3001/FJD</b>																														
				<b>Calculations</b>	<b>PTO USE</b>																													
<p>21. The following fees are submitted:</p> <table> <tr> <td><input type="checkbox"/> a) Basic national fee.....</td> <td>\$300.00</td> <td rowspan="2"></td> <td rowspan="2"></td> </tr> <tr> <td><input type="checkbox"/> b) Examination fee .....</td> <td>\$200.00</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> c) Search Fee:</td> <td rowspan="2"></td> <td rowspan="2"></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....</td> <td>\$0.00</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....</td> <td>\$100.00</td> <td rowspan="2"></td> <td rowspan="2"></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....</td> <td>\$400.00</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> All other situations.....</td> <td>\$500.00</td> <td rowspan="2"></td> <td rowspan="2"></td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fractions thereof.</td> <td></td> </tr> </table>						<input type="checkbox"/> a) Basic national fee.....	\$300.00			<input type="checkbox"/> b) Examination fee .....	\$200.00	<input type="checkbox"/> c) Search Fee:				<input type="checkbox"/> If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....		\$0.00	<input type="checkbox"/> Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....		\$100.00			<input type="checkbox"/> International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....		\$400.00	<input type="checkbox"/> All other situations.....		\$500.00			<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fractions thereof.		
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Total Sheets	Extra sheets	Number of each additional 50 or fractions thereof (round up to a whole number)	RATE																															
- 100 =	/50=		x \$250.00																															
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00																														
<b>CLAIMS</b>	<b>NUMBER</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>																															
Total Claims	-20 =		× \$50.00																															
Independent Claims	-3 =		× \$200.00																															
Multiple Dependent Claims (if applicable)				+ \$360.00																														
<b>TOTAL OF ABOVE CALCULATIONS</b>																																		
<b>A PETITION FOR A ONE MONTH EXTENSION OF TIME AND FEE OF</b>				\$ 120.00																														
<b>SUBTOTAL</b>																																		
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 130.00																														
<b>TOTAL NATIONAL FEE</b>																																		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.																																		
<b>2/2008 LLANDGRA 00000018 10585820</b>				<b>TOTAL FEES ENCLOSED</b>	<b>\$ 380.00</b>																													
C:1617 130.00 OP C:1618 130.00 OP				Amount to be:	Refunded: Charged:																													

A check in the amount of \$ 380 to cover the fees is enclosed.

a.  Please charge my **Deposit Account Number 02-0200** in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

b.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

23364

### **Customer Number**

Phone: (703) 683-0500

DATE: August 25, 2008

*Respectfully submitted,*

  
Felix J. D'Ambrósio  
Attorney for Applicant  
Registration Number: 25-721



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.				
10/585,820 23364 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314	Martin Gehrke  Date 6/13/08 Atty FJD Action Due Missing Reg'ts Deadline 8/11/08 Final Deadline 1/14/09 Based on	GHER3001/FJD  INTERNATIONAL APPLICATION NO. PCT/EP04/53519 <table border="1"><tr><td>I.A. FILING DATE</td><td>PRIORITY DATE</td></tr><tr><td>12/15/2004</td><td>01/12/2004</td></tr></table>	I.A. FILING DATE	PRIORITY DATE	12/15/2004	01/12/2004
I.A. FILING DATE	PRIORITY DATE					
12/15/2004	01/12/2004					
		CONFIRMATION NO. 6523 371 FORMALITIES LETTER				



\*OC000000030378743\*

Date Mailed: 06/11/2008

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Priority Document
- Copy of the International Application filed on 07/12/2006
- Information Disclosure Statements filed on 07/12/2006
- Request for Immediate Examination filed on 07/12/2006
- U.S. Basic National Fees filed on 07/12/2006
- Assignment filed on 07/12/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$260 for a Large Entity:

- \$130 Surcharge.
- \$130 for English translation surcharge required.

Additionally the following defects have been observed:

- The International Search Report has not be supplied, the Search Fee has been adjusted to reflect this omission.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

JOHN L ANDERSON

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Telephone: (703) 308-9140 EXT 211